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REDACTED - FOR PUBLIC INSPECTION

ORIGINAL

December 21, 2018

VIA HAND DELIVERY AND ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Accepted / Filed

DEC 21 2018

Federal Communications Commission
Office of the Secretary

**RE: Request for Confidential Treatment
Annual Report of CSDVRS, LLC d/b/a ZVRS for Continued Certification as a Video
Relay Services Provider; Seventh Amendment to Application of CSDVRS, LLC
d/b/a ZVRS for Full Certification to Provide Video Relay Service
CG Docket Nos. 10-51, 03-123**

Dear Ms. Dortch:

Pursuant to Sections 64.606(g) and 1.65 of the rules of the Federal Communications Commission ("Commission"), CSDVRS, LLC d/b/a ZVRS ("ZVRS") hereby submits its annual report detailing its compliance with the Telecommunications Relay Service ("TRS") rules and amending its pending application for full certification as a provider of Video Relay Service ("VRS").¹ In accordance with the Commission's rules,² attached are one original and four copies of the report. We are simultaneously filing a redacted version for public inspection in Commission's Electronic Comment Filing System.

Pursuant to 47 C.F.R. §§ 0.457, 0.459, ZVRS requests that the Commission provide confidential treatment for the company-specific, highly-sensitive and proprietary commercial information in the attached report and withhold that information from public inspection. The confidential information has been redacted from the electronic version of the filing. The confidential information constitutes highly-sensitive commercial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, ZVRS hereby states as follows:

1. Identification of the specific information for which confidential treatment is sought.

ZVRS requests confidential treatment with respect to the confidential information redacted from the version filed electronically with the Commission.

¹ See 47 C.F.R. §§ 64.606(g), 1.65.

² See 47 C.F.R. §§ 0.457, 0.459, 1.419.

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2. Identification of the circumstance giving rise to the submission.

ZVRS is submitting its annual report on its compliance with the TRS rules, in accordance with 47 C.F.R. § 64.606(g). The annual report includes updated corporate proprietary information per the requirements of 47 C.F.R. § 64.606(g).

3. Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged.

The confidential information in the ZVRS annual compliance report is highly-sensitive commercial information specific to the operations and strategies of ZVRS. This information is generally safeguarded from competitors and is not made available to the public.

4. Explanation of the degree to which the information concerns a service that is subject to competition.

The confidential information involves VRS, a nationwide competitive service.

5. Explanation of how disclosure of the information could result in substantial competitive harm.

Disclosure of the redacted information could cause substantial competitive harm to ZVRS, because it would provide competitors insight into ZVRS's confidential operational and strategy information, including the company's critical infrastructure, that would not otherwise be available, which would work to ZVRS's severe competitive disadvantage.

6. Identification of any measures taken to prevent unauthorized disclosure.

ZVRS routinely treats the redacted information as highly confidential and exercises significant care to ensure that such information is not disclosed to its competitors or the public.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

ZVRS does not make the redacted information available to the public, and this information has not been previously disclosed to third parties, except where required by the Commission and the TRS Fund Administrator, each of whom protect the confidentiality of such submissions.

8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure.

ZVRS requests that the redacted information be treated as being confidential on an indefinite basis, as it cannot identify a date certain on which this information could be disclosed without causing competitive harm to ZVRS.

Respectfully submitted,

/s/ Gregory Hlibok

Gregory Hlibok
Chief Legal Officer and Chief Compliance
Officer
ZVRS Holding Company, parent company of
CSDVRS, LLC d/b/a ZVRS
595 Menlo Drive
Rocklin, CA 95765

Enclosures

cc: Eliot Greenwald
TRsreports@fcc.gov

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	
)	
Structure and Practices of the Video Relay)	CG Docket No. 10-51
Service Program)	
)	

**ANNUAL REPORT OF CSDVRS, LLC D/B/A ZVRS FOR CONTINUED
CERTIFICATION AS A VIDEO RELAY SERVICES PROVIDER AND SEVENTH
AMENDMENT TO APPLICATION OF CSDVRS, LLC D/B/A ZVRS, FOR FULL
CERTIFICATION TO PROVIDE VIDEO RELAY SERVICE**

Pursuant to Sections 64.606(g) and 1.65 of the rules of the Federal Communications Commission ("FCC" or "Commission"), CSDVRS, LLC d/b/a ZVRS ("ZVRS") hereby submits its Annual Report demonstrating compliance with the mandatory minimum standards established for Internet-based TRS providers and amending its pending application for full certification as a provider of Video Relay Service ("VRS").¹ ZVRS, majority-owned and controlled by Kinderhook Capital Fund IV, L.P. and its affiliate Kinderhook Capital Fund IV-B, L.P., both of which are advised by Kinderhook Industries, LLC, received conditional certification to provide VRS on December 22, 2014.²

I. Update to Information Required Under Section 64.606(a)(2) of the Commission's Rules

In accordance with Section 64.606(g)(1) of the Commission's rules, this Annual Report updates, where necessary, the information and documentation contained in ZVRS's Internet-Based TRS Certification Application submitted on February 20, 2015 as subsequently amended

¹ See 47 C.F.R. §§ 64.606, 1.65.

² See *Notice of Grant of Conditional Certification for CSDVRS, LLC to Provide Video Relay Service After Its Acquisition by Kinderhook Capital Fund IV, L.P.*, Public Notice, DA 14-1887, 29 FCC Rcd. 16237, CG Docket Nos. 03-123 & 10-51 (CGB rel. Dec. 22, 2014) ("Public Notice"); see also Order, 30 FCC Rcd. 583 (CGB rel. Jan. 28, 2015 (dismissing late-filed Opposition to Public Notice); Application of CSDVRS, LLC d/b/a ZVRS, as Indirectly Majority-Owned and Controlled by Kinderhook, for Certification to Provide Video Relay Service, CG Docket Nos. 03-123 & 10-51 (filed Feb. 20, 2015) ("ZVRS Certification Application").

on July 14, 2015, November 20, 2015, November 21, 2016, March 1, 2017, July 24, 2017, and December 22, 2018 (collectively, the "ZVRS Certification Application"). Where no update is provided, ZVRS certifies that there are no changes to the information and documentation submitted in the ZVRS Certification Application, as detailed below. The following information covers the time period from December 1, 2017 to November 30, 2018.

**A. A description of the forms of Internet-based TRS to be provided;
(47 C.F.R. § 64.606(a)(2)(i))**

ZVRS continues to provide VRS 24 hours a day, seven days a week, offering English-speaking sign language interpreters for Deaf customers, trilingual interpreters for Spanish users, and voice carryover technologies for hard of hearing users.

**B. A detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered;
(47 C.F.R. § 64.606(a)(2)(ii))**

ZVRS (1) continues to meet or exceed all non-waived operational, technical and functional mandatory minimum standards contained in the Commission's rules; (2) does not differ from the mandatory minimum standards; and (3) makes available adequate procedures and remedies for ensuring ongoing compliance with the Commission's rules, including providing informational materials to VRS users on complaint procedures to allow users to know the proper procedures for filing complaints. Detailed information on how ZVRS meets all non-waived mandatory minimum standards applicable to VRS is provided in Exhibit 1.

1. In the case of VRS applicants or providers,

- i. Operating five or fewer call centers within the United States, a copy of each deed or lease for each call center operated by the applicant within the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(1))**

ZVRS operates more than five call centers within the United States.

- ii. Operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling . . . of five call centers operated by the applicant within the United States, together with a list of all other call centers that they operate that includes the information required under §64.604(c)(5)(iii)(N)(2);
(47 C.F.R. § 64.606(a)(2)(ii)(A)(2))**

A list of ZVRS call centers, including at-home work stations that are part of the voluntary VRS at-home call handling pilot program³ is provided in Exhibit 2, attached hereto.

ZVRS has provided or is providing a sampling of five representative call center leases, attached hereto as Exhibit 2. [REDACTED]

- iii. **Operating call centers outside of the United States, a copy of each deed or lease for each call center operated by the applicant outside of the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(3))**

ZVRS does not operate any VRS call centers outside the United States.

- iv. **A description of the technology and equipment used to support their call center functions; (47 C.F.R. § 64.606(a)(2)(ii)(A)(4))**

- v. **Operating five or fewer call centers within the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant within the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(5))**

ZVRS operates more than five call centers within the United States.

- vi. **Operating more than five call centers within the United States, a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for a representative sampling . . . of five call centers operated by the applicant within the**

³ See Public Notice, *Authorizations Granted to CSDVRS, LLC, and Purple Communications, Inc., to Participate in the VRS At-Home Call Handling Pilot Program*, DA 17-1068, CG Docket Nos. 03-123 & 10-51 (CGB rel. Oct. 31, 2017); see also *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd. 2436 (Mar. 23, 2017) (“*VRS Improvements Order*”); see generally 47 C.F.R. § 64.604(b)(8) (rules governing the At-Home VRS Call Handling Pilot Program).

United States; a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for all call centers operated by the applicant within the United States must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(A)(6))

Proofs of purchase, leases and/or license agreements for all technology and equipment used to support the call center functions for a representative sampling of five ZVRS call centers are provided in Exhibit 4, attached hereto. The relevant call centers are: [REDACTED]

ZVRS retains copies of proofs of purchase, lease, or license documentation as required and will submit the same to the Commission upon request.

- vii. Operating call centers outside of the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant outside of the United States; (47 C.F.R. § 64.606(a)(2)(ii)(A)(7))**

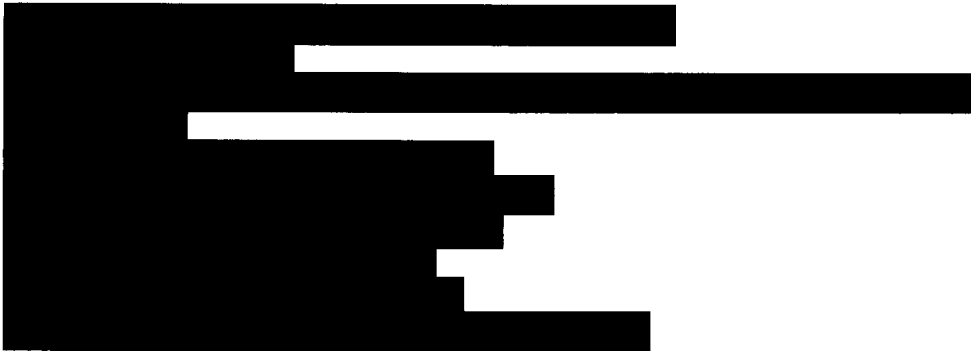
ZVRS does not operate any VRS call centers outside of the United States.

- viii. A complete copy of each lease or license agreement for automatic call distribution; (47 C.F.R. § 64.606(a)(2)(ii)(A)(8))**

ZVRS continues to independently own and operate its automatic call distribution ("ACD") platform. [REDACTED]

- 2. For all applicants, a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company); (47 C.F.R. § 64.606(a)(2)(ii)(B))**

ZVRS herein provides a revised list of officers and executives. All other ownership information that was provided as part of ZVRS's 2017 annual report remains current.



3. For all applicants, a list of the number of applicant's full-time and part-time employees involved in TRS operations, including and divided by the following positions: executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities; (47 C.F.R. § 64.606(a)(2)(ii)(C))

This information is provided in Exhibit 5, attached hereto.

4. For all applicants, copies of employment agreements for all of the provider's employees directly involved in TRS operations, executives, and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the applicant for five years from the date of application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(D))

ZVRS retains copies of employment agreements as required and will submit the same to the Commission upon request.

5. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements; copies of all such arrangements and agreements must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request; (47 C.F.R. § 64.606(a)(2)(ii)(E))

This information is provided in Exhibit 6, attached hereto. ZVRS retains copies of sponsorship agreements as required and will submit the same to the Commission upon request.

- C. A description of the provider's complaint procedures; (47 C.F.R. § 64.606(a)(2)(iii))

All complaint procedures described in the ZVRS Certification Application remain in effect and fully comply with the requirements in Section 64.604(c)(6) of the Commission's rules.⁴ ZVRS's designated agent for receiving complaints, inquiries, orders, decisions and notices from the Commission is Gregory Hlibok, Chief Legal Officer and Chief Compliance Officer, 595 Menlo Drive, Rocklin, CA 95765, 443-574-7042, ghlibok@zvrs.com.

D. A statement that the provider will file annual compliance reports demonstrating continued compliance with these rules. (47 C.F.R. § 64.606(a)(2)(iv))

ZVRS will continue to file annual compliance reports demonstrating compliance with the Commission's rules governing Telecommunications Relay Service and containing the information required by Section 64.606(g) of the Commission's rules.

II. Section 64.604(c)(13) Compliance Plan (47 C.F.R. § 64.606(g)(3))

Attached hereto as Exhibit 7 is ZVRS's Compliance Plan for complying with the requirements of Section 64.604(c)(13) of the Commission's rules.

III. CPNI Certification and Statement (47 C.F.R. § 64.5109(e))

ZVRS's Annual CPNI Certification and Statement is attached hereto as Exhibit 8.

IV. Certification (47 C.F.R. §§ 64.606(g)(2), see also 47 C.F.R. 64.606(a)(2)(v))

The certification required under Sections 64.606(g)(2) and 64.606(a)(2)(v) of the Commission's rules is on the following page.

[Remainder of Page Intentionally Left Blank. Signature on the Following Page.]

⁴ 47 C.F.R. § 64.604(c)(6).

Respectfully submitted,

Gregory Hlibok

Gregory Hlibok
Chief Legal Officer
and Chief Compliance Officer
ZVRS Holding Company, parent company
of CSDVRS, LLC d/b/a ZVRS
(443) 574-7402
ghlibok@zvrs.com

December 21, 2018

Exhibits

CERTIFICATION

I swear under penalty of perjury that I am Gregory Hlibok, Chief Legal Officer and Chief Compliance Officer of ZVRS Holding Company, parent company of the above-named reporting entity. I have examined the foregoing submissions. All information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

Gregory Hlibok

Gregory Hlibok
Chief Legal Officer
and Chief Compliance Officer
ZVRS Holding Company, parent company
of CSDVRS, LLC d/b/a ZVRS

Date: December 21, 2018

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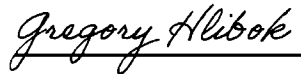
EXHIBIT 8

CPNI Certification and Statement

2018 Annual TRS CPNI Certification: 47 C.F.R. § 54.5109

I, Gregory Hlibok, certify that I am an officer of ZVRS Holding Company, parent company of CSDVRS, LLC d/b/a ZVRS (the "Company"), and I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission's TRS consumer proprietary network information ("CPNI") rules, 47 C.F.R. § 64.5101 *et seq.* (the "TRS CPNI Rules").

Attached to this certification is an accompanying statement that explains how the Company's operating procedures ensure that it is in compliance with the TRS CPNI Rules. The statement includes an explanation from December 1, 2017 to November 30, 2018, of any actions taken against data brokers, a summary of all customer complaints received concerning the unauthorized release of CPNI, and a report detailing all instances where the Company or its agents, contractors or subcontractors used, disclosed, or permitted access to CPNI without complying with the procedures specified in the TRS CPNI Rules.



Gregory Hlibok
Chief Legal Officer
and Chief Compliance Officer
ZVRS Holding Company, parent company
of CSDVRS, LLC d/b/a ZVRS

Date: December 21, 2018

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